

BEFORE THE POLICE BOARD OF THE CITY OF CHICAGO

IN THE MATTERS OF CHARGES FILED AGAINST)
POLICE OFFICER JASON VAN DYKE,) **Nos. 16 PB 2908**
STAR No. 9465, DEPARTMENT OF POLICE,) **19 PB 2958**
CITY OF CHICAGO,)
)
) **(CR Nos. 1081772**
RESPONDENT.) **and 1092441)**

ORDER

On August 30, 2016, and on June 18, 2019, the Superintendent of Police filed with the Police Board of the City of Chicago charges against Police Officer Jason Van Dyke, Star No. 9465 (hereinafter referred to as “Respondent”), recommending that the Respondent be discharged from the Chicago Police Department for violating several Rules of Conduct (copies of the charges are attached as Exhibit A).

On October 10, 2019, the Superintendent moved to withdraw the charges against the Respondent without prejudice because the Respondent resigned from the Chicago Police Department. The Police Board has considered the Superintendent’s motion.

IT IS HEREBY ORDERED that the Superintendent’s motion is **granted**, and the proceedings before the Police Board are terminated.

This Order is adopted and entered by a majority of the members of the Police Board: Ghian Foreman, Paula Wolff, Matthew C. Crowl, Eva-Dina Delgado, Michael Eaddy, Steve Flores, John P. O’Malley Jr., Rhoda D. Sweeney, and Andrea L. Zopp.

DATED AT CHICAGO, COUNTY OF COOK, STATE OF ILLINOIS, THIS 17th DAY OF OCTOBER, 2019.

Case Nos. 16 PB 2908 and 19 PB 2958
Police Officer Jason Van Dyke
Order

Attested by:

/s/ GHIAN FOREMAN
President

/s/ MAX A. CAPRONI
Executive Director

Exhibit A

Charges

Attached are copies of the charges filed with the Police Board by the Superintendent of Police. The public is reminded that the filing of charges is not evidence of guilt. The accused officer is presumed innocent and is entitled to a fair hearing at which the Superintendent has the burden of proving guilt by a preponderance of the evidence. In these cases, the accused officer resigned from the Chicago Police Department prior to a hearing on the charges.

CHARGES

Police Officer Jason Van Dyke, Star Number 9465, is charged with violating the following rules contained in Article V of the Rules and Regulations of the Chicago Police Department, which were in full force and effect on the date of the alleged violations:

- Rule 2: Any action or conduct which impedes the Department's efforts to achieve its policy and goals or brings discredit upon the Department.
- Rule 3: Any failure to promote the Department's efforts to implement its policy or accomplish its goals.
- Rule 6: Disobedience of an order or directive, whether written or oral.
- Rule 11: Incompetency or inefficiency in the performance of duty.
- Rule 14: Making a false report, written or oral.
- Rule 51: Failure to testify or give evidence before any governmental, administrative, or investigative agency when properly called upon to do so, and when there is no properly asserted constitutional privilege.

SPECIFICATIONS

1. Officer Van Dyke, Star Number 9465, is charged with violating Rule 2, "Any action or conduct which impedes the Department's efforts to achieve its policy and goals or brings discredit upon the Department," in one or more of the following instances:

Count I: From on or about October 20, 2014, to on or about October 21, 2014, Officer Van Dyke made one or more false, misleading, inaccurate, and/or inconsistent statements to a member(s) of the Department who responded to and/or investigated the events surrounding the fatal shooting of Laquan McDonald on or about October 20, 2014, at or about 21:57 hours, at or around the 4100 block of S. Pulaski Road, Chicago, Illinois.

Said false, misleading, inaccurate, and/or inconsistent statements included that McDonald ignored Officer Van Dyke's orders to "Drop the knife!" and continued to advance toward Officer Van Dyke, or words to that effect; and/or McDonald raised the knife across his chest and/or over his shoulder, pointing the knife at Officer Van Dyke, or words to that effect; and/or McDonald was attacking Officer Van Dyke with the knife, or words to that effect; and/or McDonald attempted to kill Officer Van Dyke, or words to that effect; and/or Officer Van Dyke backpedaled and fired his handgun to stop

McDonald's attack, or words to that effect; and/or as McDonald was on the ground, he attempted to get up, or words to that effect.

Count II: On or about October 21, 2014, Officer Van Dyke made one or more false, misleading, inaccurate, and/or inconsistent statements on a Tactical Response Report (RD No. HX475653) related to the events surrounding the fatal shooting of Laquan McDonald on or about October 20, 2014, at or about 21:57 hours, at or around the 4100 block of S. Pulaski Road, Chicago, Illinois.

Said false, misleading, inaccurate, and/or inconsistent statements included that McDonald's actions constituted an assault, or words to that effect; and/or an imminent threat of battery, or words to that effect; and/or a battery, or words to that effect; and/or an attack with a weapon, or words to that effect; and/or deadly force, or words to that effect; and/or the use of force likely to cause death or great bodily harm, or words to that effect.

Count III: On or about October 21, 2014, Officer Van Dyke made one or more false, misleading, inaccurate, and/or inconsistent statements on an Officer's Battery Report (RD No. HX475653) related to the events surrounding the fatal shooting of Laquan McDonald on or about October 20, 2014, at or about 21:57 hours, at or around the 4100 block of S. Pulaski Road, Chicago, Illinois.

Said false, misleading, inaccurate, and/or inconsistent statements included that McDonald "stabbed/cut" and/or attempted to "stab/cut" Officer Van Dyke and/or another officer, or words to that effect.

Count IV: On or about October 22, 2014, Officer Van Dyke made one or more false, misleading, inaccurate, and/or inconsistent statements to the Independent Police Review Authority (IPRA) which responded to and/or investigated the events surrounding the fatal shooting of Laquan McDonald on or about October 20, 2014, at or about 21:57 hours, at or around the 4100 block of S. Pulaski Road, Chicago, Illinois.

Said false, misleading, inaccurate, and/or inconsistent statements included that McDonald was waving a knife from his right side towards his left in an upward fashion, or words to that effect; and/or McDonald was waving a knife upwards at chest level, or words to that effect; and/or Officer Van Dyke backpedaled as McDonald was coming closer to Officer Van Dyke, or words to that effect; and/or McDonald waved the knife at Officer Van Dyke as McDonald was

getting closer to Officer Van Dyke, or words to that effect; and/or McDonald was going to kill Officer Van Dyke, or words to that effect; and/or Officer Van Dyke moved backwards when he discharged his firearm, or words to that effect; and/or Officer Van Dyke provided a true and accurate account of the shooting to IPRA, or words to that effect.

Count V: On or about October 20, 2014, Officer Van Dyke failed to visually inspect the in-car video system equipment on his assigned vehicle for damage; and/or failed to obtain the audio recorder from his in-car video system and/or ensure it was securely attached to his person; and/or failed to follow the start-up procedures for the in-car video system as trained and/or ensure the system was working properly; and/or failed to audibly record events with his in-car video system; and/or failed to notify his supervisor about the audio component's status.

2. Officer Van Dyke, Star Number 9465, is charged with violating Rule 3, "Any failure to promote the Department's efforts to implement its policy or accomplish its goals," in one or more of the following instances:

Count I: From on or about October 20, 2014, to on or about October 21, 2014, Officer Van Dyke made one or more false, misleading, inaccurate, and/or inconsistent statements to a member(s) of the Department who responded to and/or investigated the events surrounding the fatal shooting of Laquan McDonald on or about October 20, 2014, at or about 21:57 hours, at or around the 4100 block of S. Pulaski Road, Chicago, Illinois.

Said false, misleading, inaccurate, and/or inconsistent statements included that McDonald ignored Officer Van Dyke's orders to "Drop the knife!" and continued to advance toward Officer Van Dyke, or words to that effect; and/or McDonald raised the knife across his chest and/or over his shoulder, pointing the knife at Officer Van Dyke, or words to that effect; and/or McDonald was attacking Officer Van Dyke with the knife, or words to that effect; and/or McDonald attempted to kill Officer Van Dyke, or words to that effect; and/or Officer Van Dyke backpedaled and fired his handgun to stop McDonald's attack, or words to that effect; and/or as McDonald was on the ground, he attempted to get up, or words to that effect.

Count II: On or about October 21, 2014, Officer Van Dyke made one or more false, misleading, inaccurate, and/or inconsistent statements on a Tactical Response Report (RD No. HX475653) related to the events surrounding the fatal shooting of Laquan McDonald on or about

October 20, 2014, at or about 21:57 hours, at or around the 4100 block of S. Pulaski Road, Chicago, Illinois.

Said false, misleading, inaccurate, and/or inconsistent statements included that McDonald's actions constituted an assault, or words to that effect; and/or an imminent threat of battery, or words to that effect; and/or a battery, or words to that effect; and/or an attack with a weapon, or words to that effect; and/or deadly force, or words to that effect; and/or the use of force likely to cause death or great bodily harm, or words to that effect.

Count III: On or about October 21, 2014, Officer Van Dyke made one or more false, misleading, inaccurate, and/or inconsistent statements on an Officer's Battery Report (RD No. HX475653) related to the events surrounding the fatal shooting of Laquan McDonald on or about October 20, 2014, at or about 21:57 hours, at or around the 4100 block of S. Pulaski Road, Chicago, Illinois.

Said false, misleading, inaccurate, and/or inconsistent statements included that McDonald "stabbed/cut" and/or attempted to "stab/cut" Officer Van Dyke and/or another officer, or words to that effect.

Count IV: On or about October 22, 2014, Officer Van Dyke made one or more false, misleading, and/or inconsistent statements to the Independent Police Review Authority (IPRA) which responded to and/or investigated the events surrounding the fatal shooting of Laquan McDonald on or about October 20, 2014, at or about 21:57 hours, at or around the 4100 block of S. Pulaski Road, Chicago, Illinois.

Said false, misleading, and/or inconsistent statements included that McDonald was waving a knife from his right side towards his left in an upward fashion, or words to that effect; and/or McDonald was waving a knife upwards at chest level, or words to that effect; and/or Officer Van Dyke backpedaled as McDonald was getting closer to Officer Van Dyke, or words to that effect; and/or McDonald waved the knife at Officer Van Dyke as McDonald was coming closer to Officer Van Dyke, or words to that effect; and/or McDonald was going to kill Officer Van Dyke, or words to that effect; and/or Officer Van Dyke moved backwards when he discharged his firearm, or words to that effect; and/or Officer Van Dyke provided a true and accurate account of the shooting to IPRA, or words to that effect.

Count V: On or about October 20, 2014, Officer Van Dyke failed to visually inspect the in-car video system equipment on his assigned vehicle for

damage; and/or failed to obtain the audio recorder from his in-car video system and/or ensure it was securely attached to his person; and/or failed to follow the start-up procedures for the in-car video system as trained and/or ensure the system was working properly; and/or failed to audibly record events with his in-car video system; and/or failed to notify his supervisor about the audio component's status.

3. Officer Van Dyke, Star Number 9465, is charged with violating Rule 6, "Disobedience of an order or directive, whether written or oral," in one or more of the following instances:

Count I: On or about October 20, 2014, Officer Van Dyke failed to visually inspect the in-car video system equipment on his assigned vehicle for damage; and/or failed to obtain the audio recorder from his in-car video system and/or ensure it was securely attached to his person; and/or failed to follow the start-up procedures for the in-car video system as trained and/or ensure the system was working properly; and/or failed to audibly record events with his in-car video system; and/or failed to notify his supervisor about the audio component's status, in violation of Special Order S03-05 (effective February 23, 2012 through February 24, 2016).

Count II: On or about April 7, 2016, Officer Van Dyke, after a direct order from a superior officer, refused to answer questions posed by the Office of Inspector General, which was conducting an investigation into Officer Van Dyke's official actions and/or obligations surrounding the fatal shooting of Laquan McDonald on or about October 20, 2014, at or about 21:57 hours, at or around the 4100 block of S. Pulaski Road, Chicago, Illinois, in violation of General Order G08-01-02.

4. Officer Van Dyke, Star Number 9465, is charged with violating Rule 11, "Incompetency or inefficiency in the performance of duty," in the following instance:

Count I: On or about October 20, 2014, Officer Van Dyke failed to visually inspect the in-car video system equipment on his assigned vehicle for damage; and/or failed to obtain the audio recorder from his in-car video system and/or ensure it was securely attached to his person; and/or failed to follow the start-up procedures for the in-car video system as trained and/or ensure the system was working properly; and/or failed to audibly record events with his in-car video system; and/or failed to notify his supervisor about the audio component's status.

5. Officer Van Dyke, Star Number 9465, is charged with violating Rule 14, "Making a false report, written or oral," in one or more of the following instance:

Count I: From on or about October 20, 2014, to on or about October 21, 2014, Officer Van Dyke made one or more false statements to a member(s) of the Department who responded to and/or investigated the events surrounding the fatal shooting of Laquan McDonald on or about October 20, 2014, at or about 21:57 hours, at or around the 4100 block of S. Pulaski Road, Chicago, Illinois.

Said false statements included that McDonald ignored Officer Van Dyke's orders to "Drop the knife!" and continued to advance toward Officer Van Dyke, or words to that effect; and/or McDonald raised the knife across his chest and/or over his shoulder, pointing the knife at Officer Van Dyke, or words to that effect; and/or McDonald was attacking Officer Van Dyke with the knife, or words to that effect; and/or McDonald attempted to kill Officer Van Dyke, or words to that effect; and/or Officer Van Dyke backpedaled and fired his handgun to stop McDonald's attack, or words to that effect; and/or as McDonald was on the ground, he attempted to get up, or words to that effect, thereby making a false statement, written or oral.

Count II: On or about October 21, 2014, Officer Van Dyke made one or more false statements on a Tactical Response Report (RD No. HX475653) related to the events surrounding the fatal shooting of Laquan McDonald on or about October 20, 2014, at or about 21:57 hours, at or around the 4100 block of S. Pulaski Road, Chicago, Illinois.

Said false statements included that McDonald's actions constituted an assault, or words to that effect; and/or an imminent threat of battery, or words to that effect; and/or a battery, or words to that effect; and/or an attack with a weapon, or words to that effect; and/or deadly force, or words to that effect; and/or the use of force likely to cause death or great bodily harm, or words to that effect, thereby making a false statement, written or oral.

Count III: On or about October 21, 2014, Officer Van Dyke made one or more false statements on an Officer's Battery Report (RD No. HX475653) related to the events surrounding the fatal shooting of Laquan McDonald on or about October 20, 2014, at or about 21:57 hours, at or around the 4100 block of S. Pulaski Road, Chicago, Illinois.

Said false statements included that McDonald "stabbed/cut" and/or attempted to "stab/cut" Officer Van Dyke and/or another officer, or words to that effect, thereby making a false statement, written or oral.

Count IV: On or about October 22, 2014, Officer Van Dyke made one or more false statements to the Independent Police Review Authority (IPRA) which responded to and/or investigated the events surrounding the fatal shooting of Laquan McDonald on or about October 20, 2014, at or about 21:57 hours, at or around the 4100 block of S. Pulaski Road, Chicago, Illinois.

Said false statements included that McDonald was waving a knife from his right side towards his left in an upward fashion, or words to that effect; and/or McDonald was waving a knife upwards at chest level, or words to that effect; and/or Officer Van Dyke backpedaled as McDonald was coming closer to Officer Van Dyke, or words to that effect; and/or McDonald waved the knife at Officer Van Dyke as McDonald was getting closer to Officer Van Dyke, or words to that effect; and/or McDonald was going to kill Officer Van Dyke, or words to that effect; and/or Officer Van Dyke moved backwards when he discharged his firearm, or words to that effect; and/or Officer Van Dyke provided a true and accurate account of the shooting to IPRA, or words to that effect, thereby making a false statement, written or oral.

6. Officer Van Dyke, Star Number 9465, is charged with violating Rule 51, "Failure to testify or give evidence before any governmental, administrative, or investigative agency when properly called upon to do so, and when there is no properly asserted constitutional privilege" in the following instance:

Count I: On or about April 7, 2016, Officer Van Dyke, after a direct order from a superior officer, refused to answer questions posed by the Office of Inspector General, which was conducting an administrative investigation into Officer Van Dyke's official actions and/or obligations surrounding the fatal shooting of Laquan McDonald on or about October 20, 2014, at or about 21:57 hours, at or around the 4100 block of S. Pulaski Road, Chicago, Illinois.

Based on the foregoing charges and specifications, the Superintendent recommends that Police Officer Jason Van Dyke, Star Number 9465, be discharged from the Chicago Police Department.



EDDIE JOHNSON
Superintendent of Police

APPROVED AS TO FORM



JOHN F. GIBBONS
FELICIA V. MANNO
GREENBERG TRAURIG LLP
Special Assistant Corporation Counsel

P.B. CASE # FILED

16-2908 AUG 30 2016

CHICAGO POLICE BOARD

CHARGES AGAINST POLICE OFFICER JASON VAN DYKE

Police Officer Jason Van Dyke, Star Number 9465, is charged with violating the following rules contained in Article V of the Rules and Regulations of the Chicago Police Department (the "Department"), which were in full force and effect on the date of the alleged violations:

- Rule 2: Any action or conduct which impedes the Department's efforts to achieve its policy and goals or brings discredit upon the Department.
- Rule 3: Any failure to promote the Department's efforts to implement its policy or accomplish its goals.

SPECIFICATIONS

1. On or about January 22, 2019, the Illinois Law Enforcement Training and Standards Board decertified Officer Jason Van Dyke's previous certification and ability to practice as a law enforcement officer in Illinois under 50 ILCS 705/6.1, as a result of a criminal conviction on October 5, 2018, in the Circuit Court of Cook County, for one count of Second Degree Murder (720 ILCS 5/9-2) and sixteen (16) counts of Aggravated Battery (720 ILCS 5/12-3.05-E-1), deemed to be a decertification under the Illinois Police Training Act 50 ILCS 705/1, *et seq.* Officer Van Dyke thereby:
 - a. Engaged in any action or conduct which impedes the Department's efforts to achieve its policy and goals or brings discredit upon the Department in violation of Rule 2.
 - b. Engaged in any action which fails to promote the Department's efforts to implement its policy or accomplish its goals in violation of Rule 3.

Based on the foregoing charges and specifications, the Superintendent recommends that Police Officer Jason Van Dyke, Star Number 9465, be discharged from the Chicago Police Department.


EDDIE T. JOHNSON
Superintendent of Police

APPROVED AS TO FORM


John F. Gibbons
Special Assistant Corporation Counsel

P.B. CASE # FILED

19-2958 JUN 18 2019

CHICAGO POLICE BOARD